

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 28610 PERMIT 20217 LICENSE

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE**

**WHEREAS:**

1. Permit 20217 was issued to Lowell L. Novy on April 14, 1988 pursuant to Application 28610.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

**NOW, THEREFORE, IT IS ORDERED THAT:**

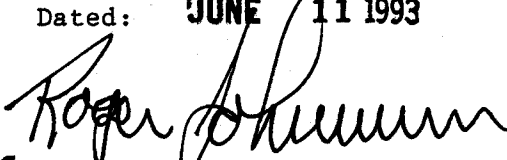
1. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1998

(0000009)

Dated: **JUNE 11 1993**

  
for Edward C. Anton, Chief  
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20217Application 28610 of Lowell L. Novy845 Los Angeles, Simi Valley, California 93065filed on October 31, 1985, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

## 1. Source:

## Tributary to:

Cedar CreekWest Valley Creek thenceSouth Fork Pit River thencePit RiverTule Lake ReservoirCedar Creek

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
<u>Point of Diversion</u> North 2,000 feet and West 2,200 feet from SE corner of Section 33	NW¼ of SE¼	33	38N	14E	MD
<u>Point of Rediversion</u> (Unnamed Stream tributary to Madeline Plains) North 2,375 feet and East 1,420 feet from SW corner of Section 10	NE¼ of SW¼	10	37N	13E	MD

County of Lassen

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Stockwatering						
Irrigation		26	37N	12E	MD	340
		35	37N	12E	MD	437
		2	36N	12E	MD	405
	E½	10	36N	12E	MD	320
		11	36N	12E	MD	450
		12	36N	12E	MD	538
	W½	7	36N	13E	MD	320
					Total	2,490

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 12.0 cubic feet per second by direct diversion to be diverted from April 1 to October 31 of each year and 2,790 acre-feet per annum by storage to be collected from October 1 of each year to June 30 of the succeeding year. The total amount of water to be taken from the source shall not exceed 2,790 acre-feet per water year of October 1 to September 30. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Complete application of the water to the authorized use shall be made by December 31, 1992. (0000009)
8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.
- The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)
11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. Rights under this permit are, and shall be, specifically subject to existing rights determined by the Tule Lake Reservoir System Adjudication, Superior Court, Lassen County, No. 17327 insofar as said adjudicated rights are maintained. (0000023)

13. Prior to making a request for license, or before license action will be considered by the Board, permittee shall consult with the Division of Water Rights and perform an irrigation system evaluation. A report on the evaluation shall be prepared by a person trained or experienced in irrigation system design and management, and submitted to the State Water Resources Control Board for approval.

All cost-effective water conservation measures identified in the irrigation system evaluation report shall be implemented prior to issuance of a license. (000029C)

14. Permittee shall be responsible for installing and maintaining in Tule Lake Reservoir a staff gage satisfactory to the State Water Resources Control Board, for the purpose of determining water levels and the amount of water held in storage in the reservoir. (0070047)

15. Permittee shall be responsible for recording the staff gage reading at the beginning and end of the irrigation season and shall report the readings to the State Water Resources Control Board by December 1 of each year. (0100047)

16. Water appropriated under this permit is available only when the amount of water contained in Tule Lake Reservoir at the beginning of the irrigation season (on or before April 1 of each year) is in excess of 13,510 acre-feet. When the amount of water in Tule Lake Reservoir at the beginning of the irrigation season is in excess of 18,010 acre-feet, permittee may divert and use the full amount authorized under this permit. When less than 18,010 acre-feet is in the reservoir, permittee shall divert and use a proportionate share of the amount in the reservoir in excess of 13,510 acre-feet. The proportionate share shall be the percentage allocated to the permittee from the total amount authorized for appropriation under Applications 28518, 28570, 28571, 28610, multiplied by the amount of water in the reservoir in excess of 13,510 acre-feet. (0360900)

17. Permittee shall avoid or mitigate any adverse impacts to wildlife because of a change from pasture to other crops. At least six months prior to any conversion of lands from pasture grass to alfalfa or other crops in the place of use, the permittee shall consult with the Department of Fish and Game regarding the planned conversion, and shall carry out any measures agreed to by permittee and the Department of Fish and Game to avoid or make insignificant any adverse impacts to wildlife habitat. (0400300)

18. The State Water Resources Control Board reserves jurisdiction over this permit to amend the terms and conditions to ensure that any adverse impacts to wildlife habitat because of a change from pasture to other crops is avoided or made insignificant. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0400600)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

APRIL 14 1988

STATE WATER RESOURCES CONTROL BOARD

  
Chief, Division of Water Rights